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OCT 27 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
 Anthony P. Lafalce) Group Art Unit: 3753
Serial No.: 10/774,170)
Filed: 02/05/04) Examiner: Michalsky, Gerald
For: Backflow Prevention)
 System) Att'y Docket No.: P04108

Commissioner of Patents
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION

In response to a restriction requirement set forth in an office action mailed 09/28/04, a provisional election with traverse is made by Applicant.

Reconsideration is respectfully requested.

Applicant respectfully submits, that in the present case, the requirement for restriction is not proper. According to MPEP § 803, "if the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added) In the present case, the claims in each of the species identified by the Examiner, clearly comprise similar elements that would not place undue burden on the examiner.

Therefore it is respectfully requested that the restriction requirement be withdrawn and that each of the claims presently pending in this application be examined.

If the Examiner is not persuaded and persists with the restriction requirement Applicant provisionally elects Group I (Claims 1-36).

If there are any fees incurred by this response, please deduct them from our Deposit Account NO. 50-1887.

Respectfully submitted,



Date: October 27, 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the Patent and Trademark Office fax number (703)-872-9306 on October 27, 2004.

Date 10/27/04 Signature:



BENJAMIN K. ERLICK, Agent for Appl.